

**PATENT****REMARKS**

Reconsideration of the rejections set forth in the Office action dated 01/18/2005 is respectfully requested under the provisions of 37 CFR §1.111(b).

Applicant petitions for a one month extension and has authorized the fee therefore.

Claims 1, 11 and 15 were amended to include the limitation that the cryptographic service provider establishes a tunnel using a first key; that a second key is provided by the user; and that the cryptoservers apply the cryptographic service to the information using the second key (see page 17, lines 2-5 and figures 5 and 6).

***II. Rejections under 35 USC §103(a)***

Claims 1-5, 9, 11-13, 15-19 and 23 stand rejected as being unpatentable over Yamamoto (6,078,663) in view of Driscoll, II et al. (6,044,405).

Currently amended claim 1 is: A method for pricing a cryptographic service on a network utilizing one or more cryptoservers, comprising:

- (a) receiving a request for the cryptographic service from a user utilizing the network, wherein the request is received by a cryptographic service provider;
- (b) generating a contract based on a variable pricing scheme in response to the request;
- (c) sending the contract from the cryptographic service provider to the user utilizing the network;
- (d) receiving, by the cryptographic service provider through a tunnel established by a first key, information and a second key from the user; and
- (e) applying the cryptographic service to the information using the one or more cryptoservers and the second key to satisfy the contract.

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In rejecting claims under 35 U.S.C. §103(a), the Patent Office bears the initial burden of persuasion in establishing a prima facie case of obviousness. To achieve this, the Patent Office must show three criteria: a suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine teachings; a reasonable expectation of success; and that the prior art must teach or suggest all claimed limitations. See In re Vaack, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991). See also MPEP §2143.

The problem addressed by the invention of amended claims 1, 11 and 15 is that of off-loading the burden of performing a "cryptographic operation" from the user to a cryptoserver that performs the "cryptographic operation" for the user (page 20, line 31 to page 21, line 5). The "cryptographic service" is provided to the user in accordance with a contract. The cryptographic service establishes a tunnel, receives information and a second key from the user over the tunnel, and then applies the contracted the cryptographic service to the information using the second key.

Yamamoto teaches: 1) a database at the "information providing center" containing the information; 2) agreeing for information from the database to be enciphered at a specified rate, and 3) providing the data so encrypted.

Nothing in Yamamoto teaches a "cryptographic service," a cryptoserver, a "cryptographic service provider" or contracting with a "cryptographic service provider" to obtain a "cryptographic service" performed by a cryptoserver.

Driscoll teaches a method for conveying large blocks of data between geographically-remote locations through hub sites, invoicing for this service, and having the hub site provide value added services. One of the value-added services mentioned is encryption. However, none of the details required to successfully implement a cryptoserver are disclosed.

Nothing in Driscoll teaches a cryptographic service that establishes a tunnel, receives information and a second key from the user over the tunnel, and then applies the contracted for cryptographic service to the information using the second key.

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Nothing in Yamamoto or Driscoll separately or combined teach or suggest the method of currently amended claim 1. Thus, currently amended claim 1 is patentable over the combination of Yamamoto and Driscoll. Currently amended claims 11 and 15 are patentable under the same reasoning.

Claims 6-8, 14, 20-22, and 24 stand rejected as being unpatentable over Yamamoto (6,078,663) in view of Driscoll, II et al. (6,044,405) and further in view of Coyle (6,269,157).

The Coyle reference teaches a computerized bidding system for selecting telecommunication carriers through an auction (Coyle, Column 9, Lines 13-16). The bid information can be encrypted (Coyle, Column 13, Lines 30-45). Coyle addresses the problem of electronically determining the best carrier for telecommunications balancing cost, available capacity, and quality of service.

Coyle does not teach a "cryptographic service" that would allow a user to off-load the burden of performing a "cryptographic operation," on information provided by the user, from the user to a cryptoserver, where the cryptoserver performs the "cryptographic operation" on the information provided by the user in accordance with a contract for the "cryptographic service" between the user and the "cryptographic service provider." In particular, Coyle does not teach the limitations within steps (d) or (e) of currently amended claims 1 or 11, or the limitations of logic (f) and (g) in currently amended claim 15 (that perform the steps (d) and (e) in currently amended claim 1).

Thus, the combination of Yamamoto, Driscoll and Coyle would not motivate nor suggest to one skilled in the art the invention of currently amended independent claims 1, 11 and 15. Claims 6-8, 14, 20-22 and 24 depend on and further limit one of independent claims 1, 11 and 15 either directly or through intervening claims. Thus, the combination of Yamamoto, Driscoll and Coyle would not motivate nor suggest to one skilled in the art the invention of the invention of claims 6-8, 14, 20-22 and 24.

Claim 10 stands rejected as being unpatentable Yamamoto (6,078,663) in view of Driscoll, II et al. (6,044,405) and further in view of Schneier et al. (5,956,404).

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The Schneier reference teaches method of creating a digital signature and discloses public-key encryption, digital signatures, and one-way hash functions that are well known in the art.

Schneier does not teach a "cryptographic service" that would allow a user to off-load the burden of performing a "cryptographic operation," on information provided by the user, from the user to a cryptoserver; where the cryptoserver performs the "cryptographic operation" on the information provided by the user in accordance with a contract for the "cryptographic service" between the user and the "cryptographic service provider." In particular, Schneier does not teach the limitations within steps (d) or (e) of currently amended claims 1 or 11, or the limitations of logic (f) and (g) in currently amended claim 15 (that perform the steps (d) and (e) in claim 1).

Thus, the combination of Yamamoto, Driscoll and Schneier would not motivate nor suggest to one skilled in the art the invention of currently amended independent claims 1, 11 and 15. Claim 10 depends on and further limits currently amended independent claim 1 through an intervening claim. Thus, the combination of Yamamoto, Driscoll and Schneier would not motivate nor suggest to one skilled in the art the invention of the invention of claim 10.

Since all rejections, objections and requirements contained in the outstanding official action have been fully answered or traversed and shown to be inapplicable to the present claims, it is respectfully submitted that reconsideration is now in order under the provisions of 37 CFR §1.111(b) and such reconsideration is respectfully requested. Upon reconsideration, it is also respectfully submitted that this application is in condition for allowance and such action is therefore respectfully requested.

The undersigned Xerox Corporation attorney hereby authorizes the charging of any necessary fees, other than the issue fee, to Xerox Corporation Deposit Account No. 24-0025. This also constitutes a request for any needed extension of time and authorization to charge all fees therefor to Xerox Corporation Deposit Account No. 24-0025.

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Should any additional issues remain, or if I can be of any additional assistance,  
please do not hesitate to contact me at (650) 812-4259.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Daniel B. Curtis", with a long horizontal flourish extending to the right.

DANIEL B. CURTIS  
Attorney for Applicants  
Reg. No. 39,159  
(650) 812-4259  
dbcurtis@parc.com